

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.202(b), ) MM Docket No. 99-271  
Table of Allotments, ) RM-9696  
FM Broadcast Stations. )  
(Boulder City, Nevada, Bullhead City, )  
Lake Havasu City, and Kingman, )  
Arizona, and Ludlow, California )

TO: Chief, Allocations Branch

COMMENTS OF CENTENNIAL BROADCASTING LICENSE, LLC

1. Centennial Broadcasting License, LLC ("Centennial") hereby submits its Comments in response to the Notice of Proposed Rule Making and Orders to Show Cause ("NPRM"), DA 99-1676, released August 20, 1999 in the above-captioned proceeding. The NPRM was issued in response to a Petition for Rule Making submitted by Centennial.

2. Centennial continues to believe that the channel allotments proposed in the NPRM would be in the public interest, and Centennial hereby specifically restates its intentions (a) to file an application for a construction permit to modify the facilities of Station KSTJ(FM) as set forth in the NPRM if the allotment is made, and (b) to undertake such modifications and commence such modified operation as promptly as possible upon grant of that application. See attached Exhibit 1.

3. Centennial notes that the licensees of Stations KJJJ(FM), Lake Havasu City, Arizona and KRCY(FM), Kingman, Arizona -- both of which would be affected by the proposed modified allotments -- have already provided declarations stating their agreement with Centennial's proposal. See Petition for Rule Making at Exhibits B-1 and B-2.

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4. At Paragraph 3 of the NPRM, the Commission states that, if a competing expression of interest in Channel 274C in Boulder City is received during the initial comment period, Centennial will be expected to provide an alternate channel for use by the party submitting that expression of interest. Centennial respectfully submits that this statement is in error. As set forth in the engineering statement attached as Exhibit 2, Centennial's proposed substitution of Channel 274C at Boulder City, Nevada, for existing Channel 288C2, and the corresponding substitution of Channel 289C for Channel 274C at Bullhead City, Arizona are an "incompatible channel swap," which under Commission precedent does not permit the submission of competing expressions of interest.<sup>1</sup> In this case, neither channel is available for general application. The use of Channel 274C at Boulder City, Nevada, precludes the use of Channel 274C at Bullhead City, Arizona and necessitates the substitution of Channel 289C there. Similarly, Channel 289C can only be substituted at Bullhead City once Channel 288C2 is replaced with Channel 274C at Boulder City. Contrary to the statement in the NPRM, because the changes are mutually exclusive, the concerns at issue in Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1947), are not relevant here, and Commission precedent permits Centennial's proposed modifications to be made without the need to find alternate channels for competing expressions of interest. It is only through the joint proposal advanced by Centennial (with the cooperation of other affected licensees) that this particular allotment combination can be made.

For the reasons stated above, Centennial Broadcasting License, LLC, hereby supports the allotment proposal set forth in the NPRM in the above-captioned proceeding and

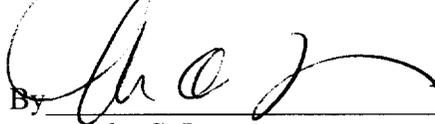
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<sup>1</sup> See, e.g., Notice of Proposed Rule Making (Ironton and Salem, Missouri), DA 99-456, released March 5, 1999 at ¶¶ 5 and 12; Report and Order (Blair, Nebraska), 8 FCC Rcd 4086, ¶ 12 (1993); Report and Order (Pikeville, Kentucky), 6 FCC Rcd 3732, 3733 n.6 (1991).

requests that the Commission move expeditiously to substitute Channel 274C for Channel 288C2 at Boulder City, Nevada, along with the other specific allotment changes proposed in the NPRM.

Respectfully submitted,

CENTENNIAL BROADCASTING  
LICENSE, LLC

  
By \_\_\_\_\_

John S. Logan

M. Anne Swanson

of

Dow, Lohnes & Albertson, PLLC

1200 New Hampshire Avenue, NW

Washington, DC 20036

(202) 776-2534

Its Attorneys

October 12, 1999

**DECLARATION**

Under penalty of perjury, I hereby declare as follows:

1. I am the president and chief executive officer of Centennial Broadcasting Nevada, Inc., which is the sole manager of Centennial Broadcasting, LLC, which in turn is the sole member and manager of Centennial Broadcasting License, LLC ("Centennial"), licensee of KSTJ(FM), Boulder City, Nevada.

2. Centennial has petitioned for an amendment of the FM Table of Allotments that would result in substitution of Channel 274C in lieu of Channel 288C<sub>2</sub> on which KSTJ(FM) currently operates. Upon adoption of the proposed change in KSTJ(FM)'s allocation, Centennial will promptly take all steps necessary to seek authority to construct and will construct and commence operation with the new upgraded facilities. Centennial will also reimburse other affected licensees for the expenses associated with the required channel changes, either in an amount as agreed among the parties or, if no agreement is reached, to the extent that reimbursement of reasonable expenses may be required by Commission rule or policy.

By   
Allen Shaw  
President and Chief Executive Officer of  
Centennial Broadcasting Nevada,  
Inc., sole manager of Centennial  
Broadcasting, LLC, which is the sole  
member and manager of Centennial  
Broadcasting License, LLC

Date: October 11, 1999

**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE-1:**

**MM DOCKET 99-271 - COMMENTS IN SUPPORT BY  
CENTENNIAL BROADCASTING LICENSE LLC  
SUBSTITUTION OF**

**FM CHANNEL 274C FOR 288C2 - BOULDER CITY, NV  
FM CHANNEL 289C FOR 274C - BULLHEAD CITY, AZ  
FM CHANNEL 272C2 FOR 224C2 - LAKE HAVASU CITY, AZ  
FM CHANNEL 224C1 FOR 290C1 - KINGMAN, AZ  
FM CHANNEL 273A FOR 289A - LUDLOW, CA**

**OCTOBER 11, 1999**

**ENGINEERING STATEMENT  
COMMENTS IN RULE MAKING  
TO AMEND  
THE FM TABLE OF ALLOTMENTS**

ENGINEERING EXHIBIT EE-1:

MM DOCKET 99-271 - COMMENTS IN SUPPORT BY  
CENTENNIAL BROADCASTING LICENSE LLC  
SUBSTITUTION OF

FM CHANNEL 274C FOR 288C2 - BOULDER CITY, NV  
FM CHANNEL 289C FOR 274C - BULLHEAD CITY, AZ  
FM CHANNEL 272C2 FOR 224C2 - LAKE HAVASU CITY, AZ  
FM CHANNEL 224C1 FOR 290C1 - KINGMAN, AZ  
FM CHANNEL 273A FOR 289A - LUDLOW, CA

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Centennial Broadcasting License LLC, which presently operates FM Station KSTJ on Ch. 288C2 at Boulder City, Nevada. MM Docket 99-271 proposes that the FM Table of Allotments be amended to substitute Ch. 274C for 288C2 at Boulder City, NV, and that the license of KSTJ be modified to specify that channel. The upgrade requested by Centennial involves several additional mutually exclusive channel swaps. The proposed upgrade relies on multiple channel changes which are "Incompatible Channel Swaps" under principles adopted by the FCC in applying its rules.

In order to upgrade KSTJ it is necessary to simultaneously substitute new channels at four other existing FM facilities and to dismiss the pending one-step application of one additional FM facility.

II. ENGINEERING DISCUSSION:

A. Mutually Exclusive - Channel Swaps:

Figure 1 of the original rule making material submitted by Centennial (already on file) indicated that the proposed non-adjacent channel upgrade operation on Ch. 274C at KSTJ's existing licensed transmitter site is just 83.6 km from KFLG's existing licensed transmitter site and 83.1 km from KFLG's pending application to correct the coordinates for its licensed operation on Ch. 274C. The minimum separation between two co-channel Class C facilities is 290 km. Consequently, with a proposed separation of less than 84 km the proposed KSTJ upgrade operation on Ch. 274C would be over 206 km short spaced to both the licensed and corrected transmitter sites of KFLG and, therefore, the Centennial non-adjacent channel upgrade does not work unless KFLG's channel is simultaneously substituted and thus, the upgraded channel is not available in the Ashbacker sense for general application by other interested parties. There is no alternate Class C channel which is properly spaced and which is currently available for use by KSTJ.

Similarly, with regard to KFLG (which presently operates on Ch. 274C) there is no alternate Class C channel which is properly spaced from KFLG's existing transmitter site and which is currently available for use by KFLG. However, Ch. 289C can be made to be properly spaced provided several other channel changes are also made. It should be understood that Ch. 289C is only available for use by KFLG if KSTJ ceases its existing operation on Ch. 288C2 since the required co-channel separation between a Class C/C2

facility is 188 km and as stated earlier in these comments, the transmitter sites of KFLG (licensed & pending correction) and KSTJ are less than 84 km apart. In addition, the use of Ch. 289C by KFLG also requires KZUL at Lake Havasu City, AZ, to agree to dismiss its pending one-step application (980213IB) requesting operation on one of its adjacent channel, something KZUL has agreed to do as discussed in Centennial's petition for rule making. It should be understood that KZUL's one-step application is already protected from conflicting proposals under the FCC processing rules for minor changes. KZUL has agreed to remain on Ch. 283C2 rather than one-stepping to Ch.286C2. This required deletion of KZUL's pending application is yet another factor which makes the upgrade sought by Centennial unavailable for general application by other interested parties.

As discussed at length in the engineering statement attached to Centennial's petition, it should also be noted that the proposed use of Ch. 289C by KFLG requires substitute channels at Lake Havasu City & Kingman, AZ and at Ludlow, CA, in order for all of those channel changes proposed in MM Docket 99-271 to be properly spaced from their respective licensed sites.

III. SUMMARY:

The changes to the FM Table of Allotments proposed in MM Docket 99-271 involve five separate changes in different communities, all of which are mutually exclusive with each other. As demonstrated herein, the proposed non-adjacent channel upgrade on Ch. 274C by KSTJ qualifies as an "Incompatible Channel Swap" as contemplated by FCC decisions interpreting Section 1.420(g) of the Commission's Rules. This exhibit has stated that no properly spaced alternate channel exists for use by either KSTJ or KFLG and that the substitute channel proposed for use by KFLG requires the MX channel swap with KSTJ and the deletion of a pending one-step application filed by KZUL. These factors make the upgrade on the non-adjacent channel sought by Centennial (KSTJ) unavailable for general application by other interested parties.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

October 11, 1999.

  
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John J. Mullaney

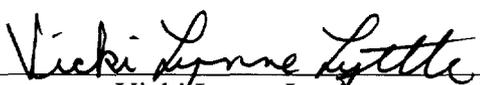
**CERTIFICATE OF SERVICE**

I, Vicki Lynne Lyttle, a secretary at Dow, Lohnes & Albertson, PLLC, do hereby certify that on this 12th day of October, 1999, I had copies of the foregoing "Comments of Centennial Broadcasting License, LLC" delivered via first-class mail, postage pre-paid, to the following:

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\_\_\_\_\_  
Vicki Lynne Lyttle